

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

LORI MOECK, in her capacity
as parent and natural guardian
of C.M. and A.M.; C.M., a minor;
and A.M., a minor,

Plaintiffs

v.

**PLEASANT VALLEY SCHOOL
DISTRICT; DOUGLAS C.
ARNOLD**, Superintendent of
Schools, Pleasant Valley School
District; **ANTHONY A. FADULE**,
Assistant Superintendent of
Schools, Pleasant Valley School
District; **JOHN J. GRESS**, Principal,
Pleasant Valley School District;
MARK GETZ, Wrestling Coach
Pleasant Valley School District,
Defendants

No. 3:13cv1305

(Judge Munley)

ORDER

AND NOW, to wit, this 14th day of November 2013, the motion to dismiss filed by Defendants Pleasant Valley School District, Douglas C. Arnold, Anthony A. Fadule; and John Gress (Doc. 30) is granted in part and denied in part as follows:

1) The motion to dismiss Lori Moeck is **DENIED**. She is not a named party in her own right;

2) The motion is **DENIED** as moot with regard to state-law claims in Counts I and II because these counts contain no state-law claims;

3) The motion to dismiss the school district from Counts I and II is **DENIED**;

4) The motion to dismiss Counts I and II with regard to holding Defendants Arnold, Fadule and Gress liable on a basis of respondeat superior is **DENIED** because the plaintiff does not pursue such a theory of

liability;

5) The motion to dismiss the Equal Protection claim in Counts I and II is **GRANTED** as unopposed;

6) The motion to dismiss the Due Process claims from Counts I and II is **DENIED**;

7) The motion to dismiss Defendants Arnold, Fadule and Gress from the Count II state-created danger claim is **GRANTED** as unopposed. The motion is **DENIED** as to the state-created danger claim against the school district. The school district and Defendant Getz remain as defendants under Count II;

8) The motion to dismiss based upon qualified immunity is **DENIED**; and

9) The motion to dismiss Count V, Title IX is **DENIED**.

BY THE COURT:

s/ James M. Munley

JUDGE JAMES M. MUNLEY

United States District Court